

THE RENAISSANCE CHARTER SCHOOL

Developing Leaders for the Renaissance of New York.

Student Support and Discipline Policy

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Collaboration

Responsibility

Education

Cooperation

Caring

Respect

Community

Ethics



The Renaissance Charter School (TRCS) is a village and, as such, can prosper only when everyone takes full responsibility for its safety and well-being. Everyone, regardless of his or her age, has certain rights and responsibilities, and it is mutual respect for all that holds the community together. In that regard, TRCS believes that student behavior shall reflect the standards of good citizenship expected of members of a democratic society. High personal standards of courtesy, decency, proper language, honesty, respect for others, and morality shall be maintained. Further, pursuant to the New York State Dignity for All Students Act (“Dignity Act”) and its regulations, TRCS is committed to providing an educational environment that promotes respect, dignity and equality. Acts of discrimination and harassment, including bullying, cyber-bullying, taunting or intimidation, are detrimental to student learning and achievement. TRCS expects all of its community (students, parents, teachers, staff and the administration) to foster civility and to prevent and prohibit conduct that is inconsistent with the expectation of respect, dignity and equality for all.

THE STUDENT SUPPORT TEAM OF THE RENAISSANCE CHARTER SCHOOL

The Student Support Team (“Student Support”) was established to, among other things:

1. Provide support for students to help prevent discipline code infractions. This support includes: Peace Studies Programs, Peer Mediation Programs, Advisories, support to individual students, support to parents and legal guardians (“parents”) through conferences and parent meetings, working with teaching and learning to provide professional development to staff in related matters and referral to the Professional Learning Communities, the counseling department, and/or Intervention Team;
2. Investigate incidents and determine the appropriate consequences for students who violate the school’s discipline code. This includes: Investigating all occurrences of disciplinary infractions, determining and implementing consequences on a case-by-case basis, including suspension and expulsion when deemed necessary; and assist The Learning Center (TLC) with both in- and out-of- school suspensions.

Student Support has, at its philosophical core, the belief that any disciplinary action is meant to educate the student to understand why his or her conduct was inappropriate and to guide the student in a way that will help him or her avoid committing future infractions. Discipline is not a punitive

response, but rather, intended to promote self-reflection and responsibility for one’s actions.

Student Support’s primary function is to provide the student with a plan that supports his or her academic achievement at TRCS while addressing the inappropriate behavior.

Dignity Act Coordinator (DAC)

TRCS has a Dignity Act Coordinator (DAC). The DAC’s name and contact information will be available to students and families through a posting on our website at: <http://www.renaissancecharter.org/parents.html/studentsupport.html>. The DAC will be trained to handle human relations in the areas addressed by the Dignity Act (race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex). The DAC serves as the point person for all Dignity Act issues at TRCS and works to ensure that all students are provided with a safe, supportive and positive school climate, free from harassment or discrimination based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex. Any incident of harassment or bullying may be reported to the DAC or to the Principal. Reports should be made at the earliest possible time. Staff members who witness or become aware of any incidents of harassment or bullying must report it to the Principal within one day.

INAPPROPRIATE AND PROHIBITED CONDUCT

TRCS recognizes that it may become necessary from time to time to discipline a student for his or her conduct and behavior, and that such discipline may result in suspension, removal of a student from the educational setting, or some other disciplinary measure, including in extreme cases, expulsion. In recognition of the constitutional and legal rights of TRCS students, and in order to ensure compliance with those rights, this policy and procedure document outlines: (1) examples of inappropriate and prohibited conduct; (2) the general range of penalties; (3) what steps must be taken before a student may be disciplined; (4) the protections provided a suspended student to ensure that the right to public education is not infringed; (5) additional protections afforded students with disabilities to ensure compliance with federal and state laws; and (6) the appeals process.

The following conduct is inappropriate and prohibited. The list is NOT inclusive, and is intended only to provide examples of and guidance to the school community with respect

to the type of conduct TRCS deems inappropriate and prohibited in school, at school-sponsored events, and during transportation to and from school and school-related events. TRCS also reserves its rights to impose discipline for off-campus and out-of-school conduct.

1. Unexcused absences from school and/or class
2. Unexcused lateness to school and/or class
3. Unauthorized/unapproved use of telephone, elevator or other school property
4. Not returning school property
5. Non-payment for school meals
6. Violating TRCS's cafeteria and food/beverage policies
7. Unapproved/inappropriate use of the school's computers, Local Area Network or Internet
8. Unapproved use of computers, laptops, fax, cell phones, beepers, smart phones, iPads, and tablets, iPods, gaming, and similar devices
9. Failure to turn off all phones and devices. Electronic devices may not be used in school, after school, or at school-sponsored events. They must be turned off and put away at all times.
10. Failing to turn over cell phones or other devices listed in #8 when requested by a TRCS staff member
11. Engaging in verbally rude or disrespectful behavior
12. Smoking
13. Lying
14. Engaging in scholastic dishonesty, including, but not limited to, cheating and plagiarizing
15. Falsifying records or signatures, including, but not limited to, parent notes and report cards
16. Disrupting the learning environment or orderly process of the school, including dress or attire that may cause such disruption of process
17. Destruction of school property including graffiti
18. Unauthorized entry or presence on school property or in unsupervised areas of the school
19. Insubordination; defying or disobeying school employees, kitchen staff, custodial staff, medical room staff, safety agents or other persons involved in the school's educational program
20. Fighting or engaging in physically aggressive or threatening behavior
21. Engaging in inappropriate or unwanted physical contact of any kind
22. Stealing or taking the property of others without permission
23. Sexual harassment
24. Sexual acts on school property or at school sponsored events
25. Bullying, harassment or cyber-bullying, or otherwise violating TRCS's Dignity Act policy
26. Intimidation
27. Hazing
28. Discriminating in any way based on another person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex
29. Retaliating against another person for bringing a complaint of inappropriate or prohibited conduct, including conduct described under TRCS's Dignity Act policy, or for serving as a witness or otherwise participating in an investigation of inappropriate or prohibited conduct
30. Engaging in behavior which creates a substantial risk of or results in injury
31. Engaging in threatening, dangerous or violent behavior
32. Conspiring to and/or participating in an incident of group violence or gang-related violence
33. Using force against or inflicting or attempting to inflict injury against another student, school personnel, parents or other personnel involved in the school's educational program
34. Being under the influence, using, selling or distributing illegal drugs or controlled substances including alcohol and tobacco
35. Possessing any weapon including a firearm
36. Using an item as a weapon
37. Acting in any way that may endanger the health, welfare and safety of the school and neighborhood community.

DIGNITY ACT POLICY:

TRCS will not tolerate harassment, bullying, or cyber-bullying that: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates, or would foreseeably create, a risk of sub-

stantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying include, but are not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Gender means the actual or perceived sex of an individual and includes a person's gender identity or expression. Sexual orientation means the actual or perceived heterosexuality, homosexuality or bisexuality. Cyber-bullying means harassment or bullying that occurs through any form of electronic communication or information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and all forms of social media and websites.

PENALTIES

Penalties for violations of these standards of acceptable behavior shall include, but are not limited to the following:

1. Verbal and written warnings to the student and or parents
2. Probation
3. Reprimand
4. Peer mediation
5. Adult facilitated mediation.
6. Referral to counseling
7. Educational assignments
8. Learning and behavioral contracts between the school, parents and student
9. Detention during or outside of class/school hours
10. Restoration to the Community/Community Service
11. Suspension from athletic, social, extracurricular activities, and other privileges
12. In-school suspensions
13. Out-of-school suspensions
14. In extreme cases, expulsion.

OUT OF SCHOOL SUSPENSIONS

I. Suspensions of Five Days or Less

This policy and Education Law §3214(3)(b)(1) and (3)(c) govern out-of-school suspensions. The New York City

Department of Education's Chancellor's Regulations on discipline is wholly inapplicable to TRCS.

A. Due process procedures.

1. When TRCS proposes suspension of a student, Student Support or its designee (the "suspending authority") must immediately notify the student verbally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension.
2. The parent of a student who is considered for a suspension of five days or less shall receive, at the last known address, written notification of the proposed suspension within 24 hours of the suspension's proposal. To ensure receipt by the parent, delivery must be made by overnight courier or personally by an authorized representative of the school. If possible, a member of the Student Support Team, or his or her designee, will telephone the parent to communicate the content of the notice letter after it is sent. Oral notification may only be used to supplement, not substitute, the requisite written notice.
3. The written notice shall:

Describe the basis for the suspension; advise the parent of the right to attend an informal conference, with a member of the Student Support Team, to discuss the incident giving rise to the discipline; and inform the parent of his or her right to question witnesses against the student. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. The parent/student may not bring an attorney to the informal conference.

4. Informal conference. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish. If the parent chooses to ask questions of the complaining witness(es), the parent must advise the school two days in advance

of the conference date so that the school can make the witness(es) available; provided, however, that if the conference is scheduled less than two days from the date of the incident or conduct suspension for which suspension is proposed, the parent must advise the school of the desire to question the complaining witness(es) as soon as practicable and in advance of the conference. If the student's parent intends to question a complaining witness who is a minor student, prior to the hearing day, TRCS shall notify the parent(s) of the complaining witness(es) that his or her child may be questioned by the parent of the accused child at the informal conference.

5. Decision and Appeal. After the conference, Student Support shall advise the parents in writing of his or her decision.

- a. An appeal of the decision of Student Support may be made to a Principal. The Principal will make his or her decision based solely upon the record before him or her. All appeals to the Principal must be in writing and submitted to him or her within ten calendar days of the date of the decision by Student Support, unless the parents can show that extraordinary circumstances precluded them from doing so. The Principal may adopt in whole or in part the decision.
- b. An appeal of the decision of the Principal may be made to the Board of Trustees, in writing, to the Board President or Secretary, within ten calendar days of the Principal's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Principal.
- c. Final decisions of the Board may be appealed to TRCS's authorizer pursuant to Education Law § 2855(4)

II. Suspensions of More than Five Days and Expulsion

Any hearings regarding suspensions of more than five days must be bifurcated into a guilt phase and a penalty phase.

A. Due Process Procedures.

1. The parent of a student who is considered for a suspension of more than five days or expulsion shall receive written notification of the proposed suspen-

sion prior to its implementation and pursuant to New York Education Law § 3214(c).

2. The written notice shall:

- a. Describe the basis for the suspension or expulsion;
- b. Advise the parent of the student's right to a formal hearing before a member of the Student Support Team;
- c. State the student's right to counsel at the formal hearing; and indicate the student's right to question and present witnesses at the hearing.

3. If possible, a member of the Student Support Team, or his or her designee, will telephone the parent to communicate the content of the notice letter after it is sent. Oral notification may only be used to supplement, not substitute, the requisite written notice.

4. Formal Hearing.

- a. A formal hearing before a member of the Student Support Team will be held as soon as practicable and after the parent receives notice of the proposed suspension or expulsion. The student may be represented by counsel and may cross-examine any witnesses against him or her. The student may also present witnesses in his or her defense and may testify on his or her own behalf. If the student or his or her representative intends to question a complaining witness who is a minor student, prior to the hearing day, the student's representative shall notify the parents of the complaining witness that his or her child will be called to testify at the formal hearing.
- b. A member of Student Support shall hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and, through TRCS's legal counsel, be authorized to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. An audio recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the guilt or innocence as to the charges and the appropriate measure of discipline to Student Support. The report of the hearing officer shall be advisory only, and Student Support may

accept all or any part thereof.

5. Decision and Appeal.

After the hearing, Student Support shall advise the parents, in writing, of his or her decision.

- a. An appeal of the decision of Student Support may be made to a Principal. The Principal will make his or her decision based solely upon the record before him or her. All appeals to the Principal must be in writing and submitted to him or her within ten calendar days of the date of the decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Principal may adopt in whole or in part the decision.
- b. An appeal of the decision of the Principal may be made to the Board of Trustees, in writing to the Board President or Secretary, within ten calendar days of the Principal's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Principal.
- c. Final decisions of the Board may be appealed to TRCS's authorizer pursuant to Education Law § 2855(4).

III. Service of Suspensions

A. Students receiving in-school suspensions will be assigned to The Learning Center (TLC) or alternative appropriate setting, for direct instruction during the entire period of suspension. The student's classroom teachers will assign the student regularly scheduled class work and homework, which will be delivered by TLC teaching staff or another qualified teacher within the school ("Teacher"). The Teacher will ensure that all assignments are performed, reviewed, and delivered to the general education teachers in a timely fashion.

B. Students receiving out-of-school suspensions will be assigned to attend TLC (or another appropriate setting) as follows:

1. A suspended elementary school student shall be assigned for one hour per day for direct instruction from TLC teaching staff or other qualified Teacher within the school. The student's classroom teachers will assign the student regularly scheduled class work and homework, which will be delivered by the Teacher. The Teacher will ensure that all assignments are performed, reviewed, and delivered to

the general education teacher in a timely fashion.

2. A suspended middle or high school student shall be assigned for two hours per day for direct instruction from the Teacher. The student's classroom teachers will assign the student regularly scheduled class work and homework, which will be delivered by the Teacher. The Teacher will ensure that all assignments are performed, reviewed, and delivered to the general education teacher in a timely fashion.

C. The student may also be assigned to the school's Social Worker and/or Guidance Counselor to review and discuss the issues and behaviors that gave rise to the suspension.

D. Whenever appropriate, and at the discretion of the Student Support Team, a suspended student may be issued an additional assignment(s) pertaining to the issues, behaviors, acts, and/or conduct that precipitated the suspension, in an effort to prevent, through learning, similar future behaviors, acts, and/or conduct by the student.

SPECIAL PROCEDURES FOR DISCIPLINING STUDENTS WITH DISABILITIES

TRCS is committed to ensuring that the rights of students with disabilities are protected in accordance with applicable federal and state law and regulations. TRCS recognizes it may become necessary from time to time to discipline students with or suspected of having disabilities for their conduct and behavior, and that such discipline may result in the suspension or removal of a student from the educational setting, or some other disciplinary measure. In order to protect the rights of TRCS students, the following specific procedures must be taken when students with or suspected of having a disability are disciplined.

Generally, a student with or suspected of having a disability may be suspended in the same manner as his or her non-disabled peers as set forth above. However, when a child is suspended for more than ten days, or on multiple occasions that, in the aggregate, amount to more than ten days, additional safeguards take effect to ensure that the child's behavior was not tied to, or a "manifestation" of, his or her disability.

Specifically, as described above, when a student's educational program is changed for more than a ten day period, a manifestation team consisting of: (1) someone from the

district's Committee on Special Education (CSE) who is knowledgeable about the child and can interpret information about the child's behavior generally; (2) the parent; and (3) relevant members of the child's CSE Individual Education Plan (IEP) Team (as determined by the parent and CSE), shall convene immediately if possible, but in no event later than ten days after the decision to change placements, to determine whether the conduct was a manifestation of the child's disability.

The parent must be given written notice prior to any meeting taking place in order to ensure that the parent has an opportunity to attend. The notice must state the purpose of the meeting, the names of the expected attendees, and indicate the parent's right to have relevant CSE members attend.

The manifestation team must review the child's IEP together with all relevant information within the student's file and any information provided by the parent.

I. Manifestation Findings

If the manifestation team concludes that the child's behavior resulted from his or her disability, the manifestation team must conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) to address the behaviors giving rise to the conduct, unless an FBA or BIP was made prior to the student's violation of school rules giving rise to the suspension, in which case each should be reviewed and revised, if necessary, to address the behavior.

Moreover, the child must also be returned to his or her original placement (i.e., the placement from which he or she was removed), unless: (1) the parent and district agree to another placement as part of the newly created or revised BIP, or (2) in cases where the child:

1. carries or possesses a weapon to or at school, on school premises, or to or at a function under the jurisdiction of the State or local educational agency;
2. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the State or local educational agency;
3. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or local educational agency.

If the child exhibits one of the above three behaviors, the CSE shall determine an appropriate Interim Alternative

Educational Setting (IAES), which shall not exceed 45 days.

II. Suspensions of More than Five Days

Any hearings regarding suspensions of more than five days must be bifurcated into a guilt phase and a penalty phase. If the child is found to be guilty, the hearing officer shall make a threshold determination of whether a suspension or removal of greater than ten days is warranted. If the answer is "no", the hearing may proceed to the penalty phase; provided, however, that the child will be entitled to special education services necessary to ensure Free appropriate public education (FAPE) during the removal period. If, however, the hearing officer intends to remove the child for more than ten days, a manifestation meeting must be commenced before the child is removed, except when the child is guilty of behavior relating to serious bodily injury, drugs and alcohol, or weapons as set forth above under the section entitled "Manifestation Findings".

If the behavior was a manifestation of the child's disability, the hearing shall be dismissed, unless the behavior involved serious bodily injury, drugs and alcohol, or weapons.

If the behavior was not tied to the child's disability, the hearing may proceed to the penalty phase.

If a child is guilty of conduct involving serious bodily injury, drugs and alcohol, or weapons, he or she may be removed to an IAES for up to 45 days, regardless of whether the behavior was a manifestation of his or her disability. Those circumstances are the only circumstances when a child with a disability may be disciplined regardless of whether the conduct is related to the child's disability.

III. Alternative Instruction

If the suspension is upheld, the student, at TRCS' sole discretion, may be placed in the Learning Center (TLC) or be required to remain at home during the pendency of the suspension, but not for a period of time greater than the amount of time a non-disabled student would be subject to suspension for the same behavior.

A suspended elementary school student will be assigned to TLC staff for direct instruction for a minimum of one hour per day and a secondary school student will be assigned for a minimum of two hours of direct instruction per day.

During this suspension, alternative instruction shall be provided to the student. Professional Learning Communities and/or Intervention Team will be responsible for ensuring that appropriate alternative instruction is provided and will coordinate with TLC staff to determine appropriate instruc-

tion on a student-by-student basis. TLC staff is comprised of certified general and special education teachers, one or more paraprofessionals, and one certified social worker.

TLC staff will develop alternative instruction that will enable the student to complete required coursework and make sure that the student progresses toward his or her IEP goals. If TRCS believes it is unable to accommodate the provisions of the student's IEP, it will immediately contact the CSE to convene a meeting to remedy the situation.

TLC staff will be responsible for coordinating with the student's general education teachers to ensure that the coursework and homework is gathered and provided to the student. TLC staff will insure all assignments are taught, reviewed, and submitted to the general education teacher in a timely fashion.

In addition, when appropriate, the student will be assigned a project designed to address the behavior that gave rise to the suspension.

A multidisciplinary team approach shall be implemented to support suspended students with disabilities upon their return to class after suspensions are served. Specifically, Professional Learning Communities and/or Intervention Team, and/or the Student Support Team at their regularly scheduled meetings, discuss student suspensions.

If the Intervention Team believes it is appropriate, any student suspended for more than five days will also be assigned to meet with the school's Social Worker and/or Guidance Counselor to review the issues that gave rise to the student's suspension.